

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE**  
**WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF**  
**NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Kansas City District

**FILE NUMBER:** 200501473

**REGULATORY PROJECT MANAGER:** Donahue

**Date:** 16 May 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:**

**In the office** \_Y\_ (Y/N) **Date:** 16 May 2005

**At the project site** \_ (Y/N) **Date:** \_\_\_\_\_

**PROJECT LOCATION INFORMATION:**

**State:**

**Kansas**

**County:**

**Johnson**

**Center coordinates of site by latitude & longitudinal coordinates:**

**Lat 38-49-52, Lon: 94-57-45**

**Approximate size of site/property (including uplands & in acres):**

**40**

**Name of waterway or watershed:**

**Kill Creek**

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
Livestock pond	X								

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

**Preliminary** \_ **Or** **Approved** \_X\_.

**OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):**

Site 1 (Pond): There are no indicators of a defined ordinary high water mark above the pond and there is grassed waterway below it. The pond was not constructed within a tributary system as indicated by the topographic map of the area but instead appears to capture sheet flow from adjacent pasture.

Site 2 (Wetland): Wetland hydrology, vegetation and soils were present at one of the locations tested for this site however there was not a defined channel or discreet connection to waters of the U.S.